

23391

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor                    Siegfried MANTL  
Patent App.                10/554,074  
Filed                        20 October 2005                    Conf. No. 2822  
For                          METHOD FOR PRODUCING A TENSIONED LAYER ON A  
                              SUBSTRATE, ...  
Art Unit                    2826                                Examiner Yeung Lopez, F  
Hon. Commissioner of Patents  
Box 1450  
Alexandria, VA 22313-1450

FIFTH AMENDMENT

This is in response to the Office Action mailed  
22 May 2008.

Applicant herewith restricts this with traverse as  
follows to the following method/process claims:

Group A claim 14  
Group B claim 22  
Group C claims 27 and 28  
Group D claim 26  
Group E claim 43.

Thus only claims 6, 23, 29, 30 31, 33, 34, 38 and 44 are  
withdrawn.

(Claims 7--9, 40, 41, 46, 47, 49, and 80-89 have already been canceled.)

Product-by-process claims 91--97 will be dealt with after action on the underlying method claims. It is noted that 37 CFR 1.475(b)(1) specifically exempts product-by-process claims from restriction/election in a PCT case.

It is respectfully noted that the above-identified Rule 475 for PCT (371) cases like this one is much more liberal than the rules regarding standard US cases. Rule 475 explicitly states that certain classes of invention have to be left together in a US national-phase (371) application, even though admittedly if this were a standard US filing restriction or election would be proper.

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